

### REMARKS/ARGUMENTS

Claims 1 and 3-14 remain in this application. Applicants request reconsideration of the application in view of these remarks and arguments.

The Examiner has rejected Claims 1, 3 and 5-14 under 35 U.S.C. 103(a) as being unpatentable over Steeves (USPN 6,570,487) in view of Turner (USPN 6,549,119) and further in view of Meier (USPN 5,294,931). Applicants traverse these rejections since the combined teachings of the Steeves, Turner and Meier fail to teach all of the limitations recited in Claims 1 and 6 and included by dependency in Claims 3-5 and 7-14.

Both Claims 1 and 6 recite “*ceas[ing] the transmitting of the data . . . if the second [] condition is satisfied during the transmitting of the data . . . wherein . . . the second [] condition is satisfied based on the received power level*”. The Examiner concedes that the “combination of Steeves and Turner fails to clearly teach that . . . second predetermined condition[], i.e., [a] condition[] which cause[s] the . . . termination of the transmission of data from said tag device to a reader device may be related to power level thresholds” (Office Action at pages 3-4). The Examiner appears to suggest that Meier includes such teachings. Applicants disagree.

The Meier reference discloses a system having an interrogation device and a transponder system with multiple transponders (see FIG. 5 and FIG. 6). During discrete time periods, the interrogation device transmits an “RF interrogation pulse” to the transponders. By way of illustration with respect to FIG. 5 for instance, an interrogation device 10 transmits to two transponders 30 and 32 “commencing at the point in time  $t_0$  and having the duration of  $\Delta t$  . . . a first RF interrogation pulse” (col. 4, lines 56-60). “After the end of the RF interrogation pulse the oscillation in the said resonant circuit also dies down and the RF threshold detector 48 sends a signal to the control logic system 50 via its output 54, when the RF oscillation has sunk below a predetermined threshold value. Simultaneously, the RF threshold detector 48 sends a signal to the window comparator via its output 56, such signal causing the window comparator 46 to check the charge voltage at the capacitor 44 to see if it has a value between the threshold values  $S_1$  and  $S_2$ . If this is the

case, the window comparator 46 will feed a signal to the control logic system indicating the fulfillment of this condition. The control logic then produces an information signal at its output 58 containing a code group representing the identity of the transponder 30, such information signal being transmitted via the antenna 38 so that it may be received by the interrogation device. After the end of the information signal the control logic system 50 will provide a further signal at its output 60, such signal functioning to discharge the capacitor 44." (col. 7, lines 2-23).

Thus, Meier's teaches that once the interrogation pulse ends, the transponder device evaluates its charge voltage to determine if a condition for transmission is met. If the condition is met, Meier's disclosed device will always transmit a fixed duration information signal (determined solely by the control logic 50 state machine based on the fixed length of the information signal), and it cannot cease transmitting during data transmission for any reason (or change in conditions). *Moreover, the Meier device does not monitor the received power level of the interrogation pulse for a second condition because there is no interrogation pulse being transmitted when the tag is transmitting its answer signal.* During the time a transponder is transmitting an answer signal, there is a pause in transmission from interrogation device to allow the transponder time to transmit its answer signal and then discharge its capacitor so that it is ready to receive the next interrogation pulse (or perform the next full read cycle).

Neither Steeves, Meier, or Turner teach any methods that monitor predetermined conditions *during* packet or code transmission, as the present Application teaches. All of the cited prior art teaches transmitting a full packet (or code) before evaluating any other conditions (such as receipt of acknowledgement signals). Applicants' method allows tag data transmissions to (immediately) *cease at any point during packet transmission* (even after partial data transmission), and involves *continuous data transmission* as long as the predetermined (power) conditions are met. There are no gaps in data transmission to wait for start delays, clear channels, or acknowledgement signals, as taught in both Steeves and Turner.

For all of these reasons, Applicants believe that the combined teachings of Steeves, Turner and Meier do not render obvious Claims 1, 3 and 5-14 and ask that the Examiner remove the §103 rejections of these claims based on these references.

The Examiner has further rejected Claim 4 based on the combined teachings of Steeves, Turner Meier and Carrender (USPN 5850187). However, just as with Steeves, Turner and Meier, Carrender does not disclose a tag that (while it is transmitting its data on the selected channel) monitors a carrier signal for a second condition based on received power level and then cease its transmission of the data on the selected channel if the second condition is satisfied during the transmitting of the data on the selected channel, as is recited in Claim 1 and included by dependency in Claim 4. Therefore, Applicants further request that the Examiner remove the §103 rejection of Claim 4 based on the Steeves, Turner, Meier and Carrender references.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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